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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,610	09/23/2003	Ivano Gagliardi	CM2699	5608
27752 7590 11/06/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER HAND, MELANIE JO	
			ART UNIT 3761	PAPER NUMBER
			MAIL DATE 11/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/669,610

Applicant(s)

GAGLIARDI ET AL.

Examiner

Melanie J. Hand

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3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9,11,12,14,15,19-21,23-25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,11,12,14,15,19-21,23-25 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-7, 9, 11, 12, 14, 15, 19-21, 23-25 and 31 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's arguments regarding the rejection of claims 1 and 19: Applicant argues that claims 1 and 19 are not anticipated by Luizzi because Luizzi does not teach the limitation of spaced apart zones of thermoplastic composition that are spaced apart by from each other by a distance of between 0.5 mm and 10 mm. While this is true, Luizzi still renders claims 1 and 19 unpatentable. The previous Office action stated in detail with regard to claim 3 that Luizzi teaches a diameter for the zones. From this, the distance between zones is equal to two times the radius of a zone. This is based upon the assumption that the minimum distance is based upon a scenario wherein there is absolutely no space between adjacent zones. Since Luizzi describes the zones as dots, among other shapes, the distance between dots is equal to the center-to-center distance of the dots. If two dot zones are next to each other with no space in between, the center-to-center distance is equal to the radius of the first dot added to the radius of the second dot. Since the dots are all the same size, the center-to-center distance is equal to two times the radius of the dot zones, or the diameter of one dot. Luizzi teaches a zone (dot) diameter range of less than 150 microns, or less than 0.15 mm. Thus the zones are spaced apart by at least the center-to-center distance to two adjacent dots with no space therebetween, which is the range of less than 0.15 mm, which overlaps the newly added claimed range of between 0.5 mm and 10 mm.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-7, 9, 11, 12, 14, 15, 19-21, 23-25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luizzi ('291).

With respect to **Claims 1,19**: Luizzi teaches sanitary napkin 1 having topsheet 10, backsheet 20 and a patterned coated layer of absorbent adhesive 50 (absorbent element) located between said topsheet and said backsheet. Luizzi teaches that the adhesive 50 is comprised of a liquid absorbent thermoplastic composition and therefore is capable of functioning as a storage layer. The liquid-absorbing thermoplastic composition comprises a polymeric base material having hydrogel particles (i.e. particles of water-insoluble, water-swellaable absorbent material). ('291, ¶¶ 0009,0015,0017) Luizzi teaches that the adhesive composition has an absorbent capacity of approximately 10 g/g, thus satisfying the limitation of claim 1. ('291, ¶ 0033) As can best be seen in Fig. 3, Luizzi teaches a coating pattern for said liquid absorbent thermoplastic adhesive comprised of a plurality of spaced apart, unattached zones. Additionally, with respect to claim 19, said liquid thermoplastic adhesive composition is comprised of aqueous, liquid-absorbing thermoplastic hydrogel material present in an amount between 1-60% by weight of the total weight of the layer 50 formed with said adhesive composition (absorbent element). ('291, ¶ 0009)

Luizzi does not explicitly teach the distance that a zone is spaced from an adjacent zone. Luizzi teaches in ¶0018 that the size of an absorbent particle is less than 150 microns. The distance of separation between zones is considered herein to be a result-effective variable

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since such distance is limited by the width of the article taught by Luizzi. Since an adhesive zone is at least as large as a superabsorbent particle, and adhesive zones as taught in Fig. 6 of Luizzi are not immediately adjacent one another, it would be obvious to one of ordinary skill in the art to modify the article of Luizzi such that the adhesive zones are between 0.5 mm and 10 mm apart with a reasonable expectation of success. It has been held that discovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art. *In re Boesch and Slaney*, 205 USPQ 215 (C.C.P.A. 1980)

With respect to **Claim 2**: Liquid thermoplastic adhesive 50 is comprised of aqueous, liquid-absorbing thermoplastic hydrogel material present in an amount between 1-60% by weight of the total weight of the layer formed with said adhesive composition (absorbent element). ('291, ¶ 0009)

With respect to **Claims 3,5,21,23**: With respect to claims 3 and 21, since zones of adhesive also comprise other particles, the area covered by each adhesive zone would be at least the area of one SAP particle, or at least 0.007 cm^2 , based upon the SAP particle diameter taught by Luizzi of less than 150 microns, or less than 0.015 cm. ('291, ¶ 0018). With respect to claims 5 and 23, as can best be seen from any of Figs. 1, 3, 6 or 10, the patterned absorbent element layer 50 of thermoplastic adhesive extends substantially the entire length and width of the article and would clearly therefore have a total surface area greater than 1 cm^2 .

With respect to **Claims 6,7,24,25**: As can best be seen in Fig. 1, Luizzi teaches that the patterned absorbent element layer 50 comprises a plurality of adhesive dots (claims 7,25) that are regular in shape (claims 6,24).

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With respect to **Claims 9,20**: Luizzi teaches that the adhesive composition has an absorbent capacity of approximately 10 g/g, thus satisfying the limitations of claims 9 and 20. ('291, ¶ 0033)

With respect to **Claim 11**: Luizzi teaches that the adhesive absorbent element layer 50 is comprised of a liquid absorbent thermoplastic composition and therefore is capable of functioning as a storage layer. Therefore Luizzi teaches a storage layer consisting of said liquid absorbent thermoplastic composition.

With respect to **Claim 12**: Liquid thermoplastic adhesive 50 is comprised of aqueous, liquid-absorbing thermoplastic hydrogel material present in an amount between 1-60% by weight of the total weight of the layer formed with said adhesive composition (absorbent element). ('291, ¶ 0009) The composition comprises 40 wt% superabsorbent particles (the hydrogel particles), therefore satisfying the limitations of claim 12.

With respect to **Claims 14,31**: Luizzi teaches a transfer layer 470 (Fig. 5), i.e. a fluid distribution layer, sandwiched between the topsheet and absorbent adhesive fluid storage layer 50. ('291, ¶ 0024)

With respect to **Claims 15,32**: Since Luizzi teaches that adhesive coating 50 can also be disposed between cover layer 10 and core 30, which is comprised of superabsorbent fibers, the absorbent element 50 functioning as a storage layer overlies at least one fibrous layer.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on M-Th 8-5, alt Fri. 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

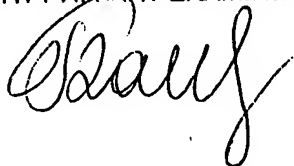
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
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October 27, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Tatyana', is written over the printed name and title.